IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.668 OF 2006

IN

CRIMINAL APPLICATION NO.190 OF 2005

Usman Khan S/o.Kamar Hussein .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr.Chaurasia for applicant

Ms.M.M.Deshmukh, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 29th September 2006.

P.C.

. Heard Mr.Chaurasia for applicant and Ms.Deshmukh, learned A.P.P for State.

2. In the peculiar facts and circumstances of this case, when the applicant has been enlarged on bail in 2005 but has not been able to avail the benefit of the said order till date, that the request of Mr.Chaurasia to furnish surety from Thane Dist. deserves to be granted.

3. Mr.Chaurasia makes a statement that the applicant has already made two applications for relaxation of conditions which were granted in part and save and except, relaxation of the condition with regard to furnishing local surety, the applicant would not apply for any other and further relaxation.

4. In the light of this statement of Mr.Chaurasia and considering that the applicant is enlarged on bail in 2005, he is permitted to furnish surety from Thane dist. instead of local surety.

5. Needless to state that the case is pending in Mumbai and on account of peculiar facts that this relaxation is granted. Respondents to verify and scrutinise the materials pertaining to surety and, thereafter, this relaxation shall come into force. This order is passed because Mr.Chaurasia states that the surety from Thane Dist. has already been arranged and he is willing to act as such.

(S.C.Dharmadhikari, J)